

## 2013 DRAFTING REQUEST

### Bill

Received: 2/1/2013 Received By: phurley  
Wanted: As time permits Same as LRB: -3440  
For: Justice By/Representing: Mark Rinehart  
May Contact: Drafter: phurley  
Subject: Criminal Law - law enforcement Addl. Drafters:  
Justice - criminal Extra Copies:

Submit via email: YES  
Requester's email: RinehartMW@DOJ.STATE.WI.US  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Law Enforcement Standards Board changes

---

### Instructions:

11-0173 with changes

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 3/1/2013	jdye 3/7/2013	jfrantze 3/7/2013	_____			
/P1	phurley 4/2/2013			_____	srose 3/7/2013		State S&L
/1	phurley 5/1/2013	jdye 4/5/2013	phenry 4/5/2013	_____	sbasford 4/5/2013		State S&L
/2		jdye	rschlue	_____	srose	srose	State

Vers. Drafted

Reviewed  
5/3/2013

Typed  
5/3/2013

Proofed  
\_\_\_\_\_

Submitted  
5/3/2013

Jacketed  
10/15/2013

Required  
S&L

FE Sent For:

@  
intro.

<END>

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>2/1/2013</b>	Received By:	<b>phurley</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Justice</b>	By/Representing:	<b>Mark Rinehart</b>
May Contact:		Drafter:	<b>phurley</b>
Subject:	<b>Criminal Law - law enforcement Justice - criminal</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **RinehartMW@DOJ.STATE.WI.US**  
 Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Law Enforcement Standards Board changes

## **Instructions:**

11-0173 with changes

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 3/1/2013	jdyer 3/7/2013	jfrantze 3/7/2013	_____			
/P1	phurley 4/2/2013			_____	srose 3/7/2013		State S&L
/1	phurley 5/1/2013	jdyer 4/5/2013	phenry 4/5/2013	_____	sbasford 4/5/2013		State S&L
/2		jdyer	rschluet	_____	srose		State

Vers. DraftedReviewed  
5/3/2013Typed  
5/3/2013Proofed  
\_\_\_\_\_Submitted  
5/3/2013JacketedRequired  
S&L

FE Sent For:

&lt;END&gt;

# 2013 DRAFTING REQUEST

## Bill

Received: 2/1/2013 Received By: phurley  
 Wanted: As time permits Same as LRB:  
 For: Justice By/Representing: Mark Rinehart  
 May Contact: Drafter: phurley  
 Subject: Criminal Law - law enforcement Addl. Drafters:  
 Justice - criminal Extra Copies:

Submit via email: YES  
 Requester's email: RinehartMW@DOJ.STATE.WI.US  
 Carbon copy (CC) to:

## Pre Topic:

No specific pre topic given

## Topic:

Law Enforcement Standards Board Changes

## Instructions:

11-0173 with changes

## Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	phurley 3/1/2013	jdyer 3/7/2013	jfrantze 3/7/2013	_____			
/P1	phurley 4/2/2013	25 3 jld		_____	srose 3/7/2013		State S&L
/1		jdyer 4/5/2013	phenty 4/5/2013	_____	sbasford 4/5/2013		State S&L

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: 2/1/2013 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Justice By/Representing: Mark Rinehart  
May Contact: Drafter: phurley  
Subject: Criminal Law - law enforcement Addl. Drafters:  
Justice - criminal Extra Copies:

Submit via email: YES  
Requester's email: RinehartMW@DOJ.STATE.WI.US  
Carbon copy (CC) to:

### Pre Topic:

No specific pre topic given

### Topic:

Law Enforcement Standards Board Changes

### Instructions:

11-0173 with changes

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 3/1/2013	jdye 3/7/2013	jfrantze 3/7/2013	_____			
/P1		1 4/5 jld	4/5 ph	ph/AS	srose 3/7/2013		State S&L

FE Sent For:

<END>

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>2/1/2013</b>	Received By:	<b>phurley</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Justice</b>	By/Representing:	<b>Mark Rinehart</b>
May Contact:		Drafter:	<b>phurley</b>
Subject:	<b>Criminal Law - law enforcement Justice - criminal</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **RinehartMW@DOJ.STATE.WI.US**  
 Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Law EnforcementStandards Board Changes

## **Instructions:**

11-0173 with changes

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	phurley	chanaman					
		2/28/2013					

FE Sent For:

*PI 3/7 JLD*  
*3/7*  
*Rs*  
**<END>**

**State of Wisconsin  
2012-2013 LEGISLATURE**

**2012 Bill**

1     **An Act to amend** 29.921 (5), 40.02 (48) (b) 4., 110.07 (1) (a) (intro.), 110.07 (6),  
2     165.85 (1), 165.85 (2) (d), 165.85 (3) (d), 165.85 (4m), 165.85 (5) (title), 165.85 (5) (b),  
3     165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1. And 939.22 (37); **to repeal**  
4     **and recreate** 165.85 (4) and 165.85 (5) (a); and **to create** 165.85 (2) (bx), 165.85 (2)  
5     (cm), 165.85 (2) (e) and 165.85 (2) (f) of the statutes; **relating to:** law enforcement  
6     standards and requiring the exercise of rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four-year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables.

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; and 3) the standards for juvenile detention officers. Under the bill, constables whose town boards require them to undergo training are subject to the same training standards as law enforcement officers and tribal law enforcement officers.



The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participated in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or a temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed ~~18~~ 12 months, except that the board may extend that period if the employer shows good cause for the board to do so.

The bill eliminates specific hour requirements for training and education and allows the board to determine the specific curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. ~~The bill requires the board to include, in different measures for each category officer, training in cultural differences, mental health and physical health conditions that can affect behavior, and arrest and pursuit procedures.~~ The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 29.921 (5) of the statutes is amended to read:

29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) ~~(b)~~ (a) 1. and has complied with any applicable requirements under s. 165.85 (4) ~~(b)~~ (a) 6. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. ~~165.83 (1) (b)~~ 165.85 (2) (bv) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the

1 presence of the warden. If the warden makes an arrest without the presence of another  
2 law enforcement agency, the warden shall cause the person arrested to be delivered to the  
3 chief of police or sheriff in the jurisdiction where the arrest is made, along with the  
4 documents and reports pertaining to the arrest. The warden shall be available as a  
5 witness for the state. A warden may not conduct investigations for violations of state law  
6 except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under  
7 the authority of this subsection is considered an employee of the department and is  
8 subject to its direction, benefits and legal protection. The authority granted in this section  
9 does not apply to county conservation wardens or special conservation wardens.

10 **SECTION 2.** 40.02 (48) (b) 4. of the statutes is amended to read:

11 40.02 (48) (b) 4. A “member of the state traffic patrol” includes one division  
12 administrator in the department of transportation who is counted under s. 230.08 (2) (e)  
13 12. and whose duties include supervising the state traffic patrol, if the division  
14 administrator is certified by the law enforcement standards board under s. 165.85 (4) (b)  
15 (a) 1. as being qualified to be a law enforcement officer.

16 ~~SECTION 2.1. 60.22 (4)~~ of the statutes is amended to read:

17 60.22 (4) JURISDICTION OF CONSTABLE. Shall determine the jurisdiction  
18 and duties of the town constable. ~~The town board may also require the town constable to~~  
19 ~~complete training under s. 165.85 (4m).~~ A town constable who is given law enforcement  
20 duties by the town board, and who meets the definition of a law enforcement officer as  
21 defined in s. 165.85 (2) (c), shall comply with the minimum employment standards for  
22 law enforcement officers established by the law enforcement standards board, and  
23 complete training under s. 165.85 (4) (a) 1.

24 **SECTION 2.2.** 61.28 of the statutes is amended to read:

1           61.28 (1) MARSHAL. The village marshal shall execute and file an official  
2       bond. The marshal shall possess the powers, enjoy the privileges and be subject to the  
3       liabilities conferred and imposed by law upon constables, and be taken as included in all  
4       writs and papers addressed to constables. The marshal shall obey all lawful written  
5       orders of the village board; ~~and arrest with or without process every person found in the~~  
6       ~~village engaged in any disturbance of the peace or violating any law of the state or~~  
7       ~~ordinance of the village. The marshal may command all persons present in that case to~~  
8       ~~assist, and if any person, being so commanded, refuses or neglects to render assistance~~  
9       ~~the person shall forfeit not exceeding \$10.~~ The marshal is entitled to the same fees  
10      prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable  
11      under s. 814.705 (1) (c); for other service rendered the village, compensation as the board  
12      fixes.

13           (2) A village marshal who is given law enforcement duties by the village board,  
14      and who meets the definition of a law enforcement officer as defined in s. 165.85 (2) (c),  
15      shall comply with the minimum employment standards for law enforcement officers  
16      established by the law enforcement standards board, and complete training under s.  
17      165.85 (4) (a) 1.

18           **SECTION 2.3.** 61.29 of the statutes is amended to read:

19           61.29 (1) A constable shall: (a) Execute and file an official bond. (b) Serve within  
20      his or her county any writ, process, order or notice, and execute any order, warrant or  
21      execution lawfully directed to or required by any court or officer to be executed by the  
22      constable. (c) Attend any session of the circuit court in his or her county when required  
23      by the sheriff. (d) Inform the district attorney of all trespasses on public lands of which  
24      the constable has knowledge or information. (e) Impound cattle, horses, sheep, swine and

1 other animals at large on the highways in violation of a village ordinance. (f) Cause to be  
2 prosecuted all violations of law of which the constable has knowledge or information. (e)  
3 Perform all other duties required by law. (h) Keep his or her office in the village. No  
4 constable who keeps his or her office outside the limits of the village may receive fees for  
5 any service performed during the period the outside office is maintained.

6 (2) Section 60.351 applies to village constables.

7 (3) A village constable who is given law enforcement duties by the village board,  
8 and who meets the definition of a law enforcement officer as defined in s. 165.85 (2) (c),  
9 shall comply with the minimum employment standards for law enforcement officers  
10 established by the law enforcement standards board, and complete training under s.  
11 165.85 (4) (a) 1.

12 **SECTION 2.4.** 62.09 (15) of the statutes is amended to read:

13 62.09 (15) CONSTABLES.

14 (a) A constable who is given law enforcement duties by the common council, and  
15 who meets the definition of a law enforcement officer as defined in s. 165.85 (2) (c), shall  
16 comply with the minimum employment standards for law enforcement officers  
17 established by the law enforcement standards board, and complete training under s.  
18 165.85 (4) (a) 1.

19 (b) A constable shall keep his or her office in the city. No constable who keeps  
20 his or her office outside the limits of the city may receive fees for any service performed  
21 during the period the outside office is maintained.

22 **SECTION 3.** 110.07 (1) (a) (intro.) of the statutes is amended to read:

23 110.07 (1) (a) (intro.) The secretary shall employ not more than 399 traffic  
24 officers. The state traffic patrol consists of the traffic officers, the person designated to

1 head them whose position shall be in the classified service and, if certified under s.  
2 165.85 (4) ~~(b)~~ (a) 1. as qualified to be a law enforcement officer, the division  
3 administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include  
4 supervising the state traffic patrol. The division administrator may not be counted under  
5 this paragraph. Members of the state traffic patrol shall:

6 **SECTION 4.** 110.07 (6) of the statutes is amended to read:

7 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.  
8 and whose duties include supervising the state traffic patrol shall be designated  
9 superintendent of the state traffic patrol, if he or she is certified under s. ~~165.85 (4) (b)~~ (a)  
10 1. as qualified to be a law enforcement officer.

11 **SECTION 5.** 165.85 (1) of the statutes is amended to read:

12 165.85 (1) FINDINGS AND POLICY. The legislature finds that the administration  
13 of criminal justice is of statewide concern, and that law enforcement work is of vital  
14 importance to the health, safety, and welfare of the people of this state and is of such a  
15 nature as to require training, education, and the establishment of standards of a proper  
16 professional character. The public interest requires that these standards be established and  
17 that this training and education be made available to persons who seek to become law  
18 enforcement, tribal law enforcement, jail or juvenile detention officers, persons who are  
19 serving as these officers in a temporary, specialized, or probationary capacity, and person  
20 already in regular service.

21 **SECTION 5.1** 165.85 (2) (bv) of the statutes is created to read:

22 165.85 (2) (bv) "Law enforcement agency" means a governmental unit of this state  
23 or a political subdivision of this state that employs one or more law enforcement officers,  
24 as defined in s. 165.85 (2) (c).

1           **SECTION 6.** 165.85 (2) (bx) of the statutes is created to read:

2           165.85 (2) (bx) "Law enforcement instructor" means ~~an instructor~~ a person who is  
3 ~~required to~~ certified by the board to deliver board-approved program outcomes, course  
4 competencies, performance standards, and learning objectives in training programs and  
5 training schools for law enforcement officers, tribal law enforcement officers, jail  
6 officers, and juvenile detention officers.

7           **SECTION 7.** 165.85 (2) (cm) of the statutes is created to read:

8           165.85 (2) (cm) "Police pursuit" has the meaning given in s. 85.07 (8) (a).

9           **SECTION 8.** 165.85 (2) (d) of the statutes is amended to read:

10          165.85 (2) (d) "Political subdivision" means counties, cities, villages, towns, town  
11 sanitary districts and, public inland lake protection and rehabilitation districts, and  
12 technical college districts.

13          **SECTION 9.** 165.85 (2) (e) of the statutes is created to read:

14          165.85 (2) (e) "Preservice student" means any person who meets the minimum  
15 recruitment qualifications set by the board and who enrolls in preparatory training prior  
16 to employment as a law enforcement officer, tribal law enforcement officer, jail officer,  
17 or juvenile detention officer.

18          **SECTION 10.** 165.85 (2) (f) of the statutes is created to read:

19          165.85 (2) (f) "Recruit" means a law enforcement officer, tribal law enforcement  
20 officer, jail officer, or juvenile detention officer employed on a probationary or temporary  
21 basis, in compliance with the minimum recruitment qualifications set by the board.

22          **SECTION 10.1.** 165.85 (3) (cm) of the statutes is amended to read:

23          165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or  
24 juvenile detention officers who terminate employment or are terminated; who violate or

1 fail to comply with a rule or order of the board relating to curriculum or training; who  
2 falsify information to obtain or maintain certified status; who are certified as the result of  
3 an administrative error; who are convicted of a felony or of any offense which if  
4 committed in Wisconsin could be punished as a felony; who are convicted of a  
5 misdemeanor crime of domestic violence; or who fail to pay court-ordered payments of  
6 child or family support, maintenance, birth expenses, medical expenses, or other  
7 expenses related to the support of a child or former spouse, or who fail to comply, after  
8 appropriate notice, with a subpoena or warrant issued by the department of children and  
9 families or a county child support agency under s. 59.53 (5) and related to paternity or  
10 child support proceedings. The board shall establish procedures for decertification in  
11 compliance with ch. 227, except that decertification for failure to pay court-ordered  
12 payments of child or family support, maintenance, birth expenses, medical expenses, or  
13 other expenses related to the support of a child or former spouse or for failure to comply,  
14 after appropriate notice, with a subpoena or warrant issued by the department of children  
15 and families or a county child support agency under s. 59.53 (5) and related to paternity  
16 or child support proceedings shall be done as provided under sub. (3m) (a).

17 **SECTION 11.** 165.85 (3) (d) of the statutes is amended to read:

18 165.85 (3) (d) Establish minimum curriculum requirements for preparatory  
19 courses and programs, and recommend minimum curriculum requirements for  
20 recertification and advanced courses and programs, in schools approved by the board and  
21 operated by or for this state or any political subdivision of the state for the specific  
22 purpose of training law enforcement recruits, law enforcement officers, tribal law  
23 enforcement recruits, tribal law enforcement officers, jail officer recruits, jail officers,  
24 juvenile detention officer recruits, or juvenile detention officers in areas of knowledge

1 and ability necessary to the attainment of effective performance as an officer, and ranging  
2 from subjects such as first aid, patrolling, statutory authority, techniques of arrest,  
3 protocols for official action by off-duty officers, firearms, and recording custodial  
4 interrogations to subjects designed to provide a better understanding of ever-increasing  
5 complex problems in law enforcement such as human relations, civil rights, constitutional  
6 law, and supervision, control, and maintenance of a jail or juvenile detention facility.  
7 The board shall appoint a 13-member ~~advisory~~ curriculum ~~advisory~~ committee consisting  
8 of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis ~~of not more than~~  
9 ~~one chief of police and one sheriff from any one of the 8 state administrative districts~~  
10 together with the director of the training of the Wisconsin state patrol. This committee  
11 shall advise the board in the establishment of the curriculum requirements.

12 **SECTION 12.** 165.85 (4) of the statutes is repealed and recreated to read:

13 165.85 (4) REQUIRED STANDARDS. (a) *Law enforcement and tribal law*  
14 *enforcement officers.* 1. The board shall ~~by rule~~ establish ~~program outcomes for a~~  
15 preparatory program of law enforcement and tribal law enforcement officer training,  
16 which shall include no less than 600 hours of training. The general program outcomes  
17 for the preparatory program shall be promulgated by rule by the board. Specifics of the  
18 training curriculum, ~~including the total number of hours~~, competencies, student learning  
19 and performance objectives, particular subjects, and the minimum number of hours for  
20 each subject ~~may~~ shall be established by written policy of the board. In establishing the  
21 preparatory training program, the board shall give due consideration to recommendations  
22 made by the curriculum advisory committee. The board may amend the ~~rules and~~  
23 policies governing the preparatory training program as needed to respond to  
24 technological changes affecting law enforcement, additional recommendations made by



1 the curriculum advisory committee, or other conditions affecting the public interest in  
2 maintaining training standards of a proper professional character. ~~The training program~~  
3 ~~shall include all of the following:~~

4 a. ~~Training to enable the person being trained to deal effectively with domestic~~  
5 ~~abuse incidents, including training that addresses the emotional and psychological effect~~  
6 ~~that domestic abuse has on victims.~~

7 b. ~~Training on emergency detention standards and procedures under s. 51.15,~~  
8 ~~emergency protective placement standards and procedures under s. 55.135, and~~  
9 ~~information on mental health and developmental disabilities agencies and other resources~~  
10 ~~that may be available to assist the officer in interpreting the emergency detention and~~  
11 ~~emergency protective placement standards, making emergency detentions and emergency~~  
12 ~~protective placements, and locating appropriate facilities for the emergency detentions~~  
13 ~~and emergency protective placements of persons.~~

14 c. ~~Training on mental health and medically significant behavior, including at least~~  
15 ~~one hour of instruction on recognizing the symptoms of Alzheimer's disease or other~~  
16 ~~related dementias and interacting with and assisting persons who have Alzheimer's~~  
17 ~~disease or other related dementias.~~

18 d. ~~Training on police pursuit standards, guidelines, and driving techniques~~  
19 ~~established under par. (d).~~

20 e. ~~Training concerning cultural diversity, including sensitivity toward racial and~~  
21 ~~ethnic differences. The training shall be designed to prevent the use of race, racial~~  
22 ~~profiling, racial stereotyping, or other race-based discrimination or selection as a basis for~~  
23 ~~detaining, searching, or arresting a person or for otherwise treating a person differently~~  
24 ~~from persons of other races and shall emphasize the fact that the primary purposes of~~

1 ~~enforcement of traffic regulations are safety and equal and uniform enforcement under~~  
2 ~~the law.~~

3 2. Except as provided in subd. 7. 3. or 8., no person may be employed as a law  
4 enforcement or tribal law enforcement officer, except on a temporary or probationary  
5 basis, unless the person has satisfactorily completes completed the preparatory training  
6 program established under subd. 1. and has been certified by the board as being qualified  
7 to be a law enforcement or tribal law enforcement officer. ~~A recruit who has not~~  
8 ~~satisfactorily completed the program established under subd. 1 may perform the duties of~~  
9 ~~a law enforcement or tribal law enforcement officer only under the oversight of a~~  
10 ~~certified law enforcement or tribal law enforcement officer. Upon successful completion~~  
11 ~~of the program established under subd. 1., a recruit may be certified by the board as a law~~  
12 ~~enforcement or tribal law enforcement officer.~~

13 3. A recruit may exercise law enforcement powers under this subdivision only  
14 during an original period of ~~In order to be eligible for certification, a recruit must~~  
15 ~~successfully complete the program established under subd. 1. within the original period~~  
16 ~~of his or her temporary or probationary employment that, except as provided in subd. 5.~~  
17 6. or as otherwise authorized by law, may not exceed 12 months from his or her date  
18 of hire the recruit's first date of employment.

19 3h. A person may be certified by the board under subd. 2 only if the person has  
20 successfully completed the preparatory program established under subd. 1. within the  
21 person's original period of temporary or probationary employment established in subd. 3.

22 3m. Except as provided in sub. (3m) (a), and in addition to certification  
23 procedures under this paragraph, the board may certify any person as being a tribal law  
24 enforcement officer on the basis of the person's completion of the training requirements

1 for law enforcement officer certification prior to May 6, 1994. The officer must also  
2 meet the agreement requirements under sub. (3) (c) prior to certification as a tribal law  
3 enforcement officer.

4 ~~3.~~ 4. Preservice students taking part in the preparatory program of law  
5 enforcement or tribal law enforcement officer training established by the board under  
6 subd. 1. shall ~~submit fingerprints to the department of justice.~~ be fingerprinted on 2  
7 fingerprint cards, each bearing a complete set of the student's fingerprints, or by other  
8 technologies approved by the department of justice. The fingerprints shall be submitted  
9 to the department of justice shall verify for verification of the identity of the person  
10 fingerprinted and to obtain records of his or her criminal arrests and convictions in  
11 Wisconsin. The department of justice shall submit each set of fingerprints provide for the  
12 submission of the fingerprint cards or fingerprints by other technologies, to the federal  
13 bureau of investigation for the purpose of verifying the person fingerprinted and  
14 obtaining records of his or her criminal arrests and convictions on file with the federal  
15 bureau of investigation.

16 ~~4.~~ 5. No person who has been convicted of any federal felony, any crime of  
17 domestic violence, or of any offense that, if committed in Wisconsin, could be punished  
18 as a felony may take part in the preparatory training program established under subd. 1.  
19 unless he or she has been granted an absolute and unconditional pardon for the crime.

20 ~~5.~~ 6. Upon a showing of good cause by a recruit or a recruit's employer, the  
21 board may extend the recruit's original period of temporary or probationary employment  
22 for a period of time it deems appropriate.

23 ~~6. a.~~ 7. a. Except as provided in subd. ~~7.~~ 8., no person may continue as a certified  
24 law enforcement or tribal law enforcement officer, ~~except on a temporary or probationary~~

1 basis, unless that person maintains law enforcement or tribal law enforcement  
2 employment and completes annual recertification training. ~~Any officer elected by~~  
3 ~~popular vote who is also a certified officer must complete annual recertification training~~  
4 ~~to maintain certification.~~ Any officer who is subject to this subdivision shall complete at  
5 least 24 hours of recertification training each fiscal year beginning in the fiscal year  
6 following the fiscal year in which he or she is certified as a law enforcement or tribal law  
7 enforcement officer by the board.

8 b. Each officer who is subject to this subdivision shall biennially complete at  
9 least 4 hours of training from curricula based upon model standards promulgated by the  
10 board under par. (d). Hours of training completed under this subd. ~~6.~~ 7. b. shall count  
11 toward the hours of training required under subd. ~~6.~~ 7. a.

12 c. ~~Each officer who is subject to this subdivision shall annually complete a~~  
13 ~~handgun qualification course from curricula based upon model standards promulgated by~~  
14 ~~the board under par. (e). Hours of training completed under this subd. 7. c. shall count~~  
15 ~~toward the hours of training required under subd. 7. a.~~

16 ~~7. 8. Law enforcement and tribal law enforcement officers who are elected by~~  
17 ~~popular vote~~ Sheriffs are not required to satisfy the requirements under subd. ~~2., 3. or 6.~~  
18 7. as a condition of tenure or continued employment. ~~The failure of any such law~~  
19 ~~enforcement or tribal law enforcement officer to fulfill the requirements of subd. 2. or 6.~~  
20 ~~does not make that officer ineligible for any promotional examination for which he or she~~  
21 ~~is otherwise eligible. Any law enforcement or tribal law enforcement officer may~~  
22 ~~voluntarily participate in any program established under this paragraph.~~

23 (b) *Jail officers.* 1. The board shall ~~by rule establish program outcomes for a~~  
24 preparatory program of jail officer training; which shall include no less than 160 hours of

1 training. The general program outcomes for the preparatory program shall be  
2 promulgated by rule by the board. Specifics of the training curriculum, ~~including the~~  
3 ~~total number of hours,~~ competencies, student learning and performance objectives,  
4 particular subjects, and the minimum number of hours for each subject ~~may~~ shall be  
5 established by written policy of the board. In establishing the preparatory training  
6 program, the board shall give due consideration to recommendations made by the  
7 curriculum advisory committee. The board may amend the ~~rules and~~ policies governing  
8 the preparatory training program as needed to respond to technological changes affecting  
9 jail administration, additional recommendations made by the curriculum advisory  
10 committee, or other conditions affecting the public interest in maintaining training  
11 standards of a proper professional character. The board may provide, by rule, that any  
12 part of the training program under this subdivision and the training program under par.  
13 (c) 1. are identical and count toward either training requirement under this paragraph or  
14 par. (c). ~~The training program under this subdivision shall include training on mental~~  
15 ~~health and medically significant behavior, including at least 16 hours on methods of~~  
16 ~~supervision of special needs inmates, including inmates who may be emotionally~~  
17 ~~distressed, mentally ill, suicidal, developmentally disabled, or alcohol or drug abusers.~~

18 2. Except as provided in subd. 5., no person may be employed as jail officer,  
19 except on a temporary or probationary basis, unless the person has satisfactorily  
20 ~~completes~~ completed the preparatory training program established under subd. 1. and has  
21 been certified by the board as being qualified to be a jail officer. ~~Upon successful~~  
22 ~~completion of the program established under subd. 1., a recruit may be certified by the~~  
23 ~~board as a jail officer. In order to be eligible for certification under this subdivision, a~~  
24 ~~recruit must successfully complete the program established under subd. 1. within the~~

1 ~~original period of his or her temporary or probationary employment that, except as~~  
2 ~~provided in subd. 3. or as otherwise authorized by law, may not exceed 18 months from~~  
3 ~~his or her date of hire first date of employment.~~

4 3. A recruit may exercise jail officer powers under this subdivision only during  
5 an original period of temporary or probationary employment that, except as provided in  
6 subd. 5. or as otherwise authorized by law, may not exceed 12 months from the recruit's  
7 first date of employment.

8 4. A person may be certified by the board under subd. 2 only if the person has  
9 successfully completed the preparatory program established under subd. 1. within the  
10 person's original period of temporary or probationary employment established in subd. 3.

11 ~~3. 5.~~ Upon a showing of good cause by a recruit or a recruit's employer, the board  
12 may extend the recruit's original period of temporary or probationary employment for a  
13 period of time it deems appropriate.

14 ~~4. 6.~~ No person may continue as a certified jail officer, ~~except on a temporary or~~  
15 ~~probationary basis, unless that person maintains employment with a jail and completes~~  
16 annual recertification training. The officer shall complete at least 24 hours of  
17 recertification training each fiscal year beginning in the fiscal year following the fiscal  
18 year in which he or she is certified as a jail officer by the board.

19 ~~5. 7.~~ Subdivision 2. does not apply to a jail officer serving under permanent  
20 appointment prior to July 2, 1983. The failure of any such officer to fulfill those  
21 requirements does not make that officer ineligible for any promotional examination for  
22 which he or she is otherwise eligible. Any such officer may voluntarily participate in  
23 programs to fulfill those requirements.

1 (c) *Juvenile detention officers.* 1. The board shall ~~by rule~~ establish ~~program~~  
2 ~~outcomes for~~ a preparatory program of juvenile detention officer training. which shall  
3 include no less than 160 hours of training. The general program outcomes for the  
4 preparatory program shall be promulgated by rule by the board. Specifics of the training  
5 curriculum, ~~including the total number of hours~~, competencies, student learning and  
6 performance objectives, particular subjects, and the minimum number of hours for each  
7 subject ~~may~~ shall be established by written policy of the board. In establishing the  
8 preparatory training program, the board shall give due consideration to recommendations  
9 made by the curriculum advisory committee. The board may amend the ~~rules and~~  
10 policies governing the preparatory training program as needed to respond to  
11 technological changes affecting juvenile detention administration, additional  
12 recommendations made by the curriculum advisory committee, or other conditions  
13 affecting the public interest in maintaining training standards of a proper professional  
14 character. The board may provide, by rule, that any part of the training program under  
15 this subdivision and the training program under par. (b) 1. are identical and count toward  
16 either training requirement under this paragraph or par. (b). ~~Any training program~~  
17 ~~established under this subdivision shall include training on mental health and medically~~  
18 ~~significant behavior, including inmates who may be emotionally distressed, mentally ill,~~  
19 ~~suicidal, developmentally disabled, or alcohol or drug abusers.~~

20 2. No person may be employed as a juvenile detention officer, except on a  
21 temporary or probationary basis, unless the person has satisfactorily ~~completes~~ completed  
22 the preparatory training program established under subd. 1. and has been certified by the  
23 board as being qualified to be a juvenile detention officer. ~~Upon successful completion~~  
24 ~~of the program established under subd. 1., a recruit may be certified by the board as a~~

1 ~~juvenile detention officer. In order to be eligible for certification under this subdivision,~~  
2 ~~a recruit must successfully complete the program established under subd. 1. within the~~  
3 ~~original period of his or her temporary or probationary employment that, except as~~  
4 ~~provided in subd. 3. or as otherwise authorized by law, may not exceed 18 12 months~~  
5 ~~from his or her date of hire first date of employment.~~

6 3. A recruit may exercise juvenile detention officer powers under this subdivision  
7 only during an original period of temporary or probationary employment that, except as  
8 provided in subd. 5. or as otherwise authorized by law, may not exceed 12 months from  
9 the recruit's first date of employment.

10 4. A person may be certified by the board under subd. 2 only if the person has  
11 successfully completed the preparatory program established under subd. 1. within the  
12 person's original period of temporary or probationary employment established in subd. 3.

13 3. 5. Upon a showing of good cause by a recruit or a recruit's employer, the board  
14 may extend the recruit's original period of temporary or probationary employment for a  
15 period of time it deems appropriate.

16 4. 6. No person may continue as a certified juvenile detention officer, except on a  
17 temporary or probationary basis, unless that person maintains employment with a  
18 juvenile detention facility and completes annual recertification training. The officer shall  
19 complete at least 24 hours of recertification training each fiscal year beginning in the  
20 fiscal year following the fiscal year in which he or she is certified as a juvenile detention  
21 officer by the board.

22 5. 7. Any person employed and certified as a jail officer on July 1, 1994, is  
23 certified as a juvenile detention officer and remains certified as a juvenile detention



1 officer subject to annual recertification requirements under subd. 4. 6. and the board's  
2 decertification authority under sub. (3) (cm).

3 (d) *Police pursuit.* The board shall promulgate rules that do all of the following:

4 1. Establish model standards that could be used by any law enforcement agency  
5 to determine whether to initiate or continue police pursuit, to establish police pursuit  
6 driving techniques employed by that agency, and to inform its officers of its written  
7 guidelines provided under s. 346.03 (6). The board shall review and, if considered  
8 appropriate by the board, revise the model standards established under this subdivision  
9 not later than June 30 of each odd-numbered year thereafter. The rules promulgated  
10 under this subdivision are advisory only, are not required to be included as a law  
11 enforcement training standard under this subsection, and are inadmissible as evidence,  
12 except to show compliance with this subdivision.

13 2. Establish the preparatory program and biennial recertification training  
14 curricula required under par. (a) relating to police pursuit standards, guidelines, and  
15 driving techniques.

16 ~~(e) *Equivalent standards.* Except as provided in sub. (3m) (a), the board shall~~  
17 ~~certify a recruit who presents evidence that he or she has satisfied, to a degree established~~  
18 ~~by the board, a training program that it at least equivalent to a training program~~  
19 ~~established under par. (a), (b), or (c).~~ *Firearms.* The board shall promulgate rules that do  
20 all of the following:

21 1. Establish model standards that could be used by any law enforcement agency  
22 to show handgun proficiency.

23 2. Establish the preparatory program and annual recertification training curricula  
24 required under par. (a) relating to an officer's ability to operate and fire a handgun.

1 (f) *Local or agency standards.* Nothing in this subsection shall preclude any law  
2 enforcement or tribal law enforcement agency or sheriff from setting recruit training, ~~and~~  
3 employment, and recertification training standards that are higher than the minimum  
4 standards set by the board.

5 **SECTION 13.** 165.85 (4m) of the statutes is ~~amended to read~~ repealed:

6 ~~165.85 (4m) TRAINING FOR CONSTABLES. The board shall establish a~~  
7 ~~separate training program for those constables who are not required to complete training~~  
8 ~~under sub. (4). Except as provided in s. 60.22 (4), a constable may voluntarily participate~~  
9 ~~in a program under this subsection. Expenses incurred for this preparatory training~~  
10 ~~program are subject to reimbursement under sub. (5).~~

11 **SECTION 14.** 165.85 (5) (title) of the statutes is amended to read:

12 165.85 (5) (title) SCHOOLS AND PROGRAMS; GRANTS TRAINING  
13 REIMBURSEMENTS

14 **SECTION 15.** 165.85 (5) (a) All training programs and training schools for law  
15 enforcement, tribal law enforcement, jail, and juvenile detention officers and law  
16 enforcement instructors must be authorized and approved by the board as meeting  
17 standards established by the board. The board may authorize and approve a training  
18 program or training school only if it is operated by an agency of the state or of a political  
19 subdivision of the state. The authority granted in this paragraph does not authorize the  
20 board to select a site for a state police, jail, or juvenile detention officer academy or to  
21 expend funds thereon.

22 **SECTION 16.** 165.85 (5) (b) of the statutes is amended to read:

23 165.85 (5) (b) The board shall authorize the reimbursement to each political  
24 subdivision of approved expenses incurred by ~~officers~~ recruits who satisfactorily

complete training at schools certified by the board. Reimbursement of these expenses for law enforcement officer, jail officer and juvenile detention officer preparatory training shall be for board-approved tuition, living, and travel expenses ~~for the first 400 hours of law enforcement preparatory training and for the first 120 hours of jail or juvenile detention officer preparatory training.~~ Reimbursement of approved expenses for completion of annual recertification training under sub. (4) ~~(bn)~~ shall include at least \$160 per officer thereafter. Funds may also be distributed for attendance at other training programs and courses or for training services on a priority basis to be decided by the department of justice.

**SECTION 17.** 165.86 (1) (c) of the statutes is amended to read:

165.86 (1) (c) Identify state agencies and political subdivisions that employ law enforcement officers in the state and notify appropriate officials of the model law enforcement pursuit standards established by the board under s. 165.85 (4) ~~(em) 2. a.~~ (d).

**SECTION 18.** 165.92 (2) (a) of the statutes is amended to read:

165.92 (2) (a) A tribal law enforcement officer who meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1. and (e) (a) 1., 2 and 6. 7.~~ shall have the same powers to enforce the laws of the state and to make arrests for violations of such laws that sheriffs have, including powers granted to sheriffs under ss. 59.27 and 59.28 and under the common law, and shall perform the duties accepted under s. 165.85 (3) (c).

**SECTION 19.** 175.41 (3) (c) of the statutes is amended to read:

175.41 (3) (c) The commission warden meets the requirements of s. 165.85 (4) ~~(b) 1., (bn) 1., and (e) (a) 1., 2 and 6. 7.~~ and has agreed to accept the duties of a law enforcement officer under the laws of this state.

**SECTION 20.** 895.46 (1) (b) 1. of the statutes is amended to read:



## Hurley, Peggy

---

**From:** Rinehart, Mark W. <RinehartMW@DOJ.STATE.WI.US>  
**Sent:** Thursday, February 28, 2013 2:43 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Another addition?

OK. Regarding LESB, that sounds great. Thanks for your help.

---

**From:** Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]  
**Sent:** Thursday, February 28, 2013 2:35 PM  
**To:** Rinehart, Mark W.  
**Subject:** RE: Another addition?

Excellent; thanks. The new LRB number is 13-1757/P1.

For the law enforcement standards board draft, how about if, for this draft, I use require the board to develop "outcome criteria" that need not be promulgated as rules under ch. 227. Does that work for you? We can always change it back if, after review of the preliminary draft, that does not reflect your intent.

Peggy

---

**From:** Rinehart, Mark W. [<mailto:RinehartMW@DOJ.STATE.WI.US>]  
**Sent:** Thursday, February 28, 2013 1:43 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Another addition?

Yes, it should contain all of the changes. Thanks.

---

**From:** Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]  
**Sent:** Thursday, February 28, 2013 11:54 AM  
**To:** Rinehart, Mark W.  
**Subject:** RE: Another addition?

Mark,

Does the document that was attached to this email contain all of the changes you want to the chapter? It appears that it does, but I wanted to make sure. I am going to give this a new LRB number to make sure all of the changes requested are formatted properly and to attempt to make sure there aren't any discrepancies between what you sent and what ends up in our draft.

Peggy

---

**From:** Rinehart, Mark W. [<mailto:RinehartMW@DOJ.STATE.WI.US>]  
**Sent:** Wednesday, February 27, 2013 11:11 AM  
**To:** Hurley, Peggy  
**Subject:** RE: Another addition?

Hi Peggy,

Another to add to the synthetic drug draft. Thanks.

Also, regarding exempting the new LESB rule from the new requirements of ch. 227, let's go ahead and include an exemption in the draft. Thanks. Just curious, are a number of drafts now including an exemption? And, is the exemption done in a way so that a new rule would be subject to the "old" rule process, before the changes of last session?

---

**From:** Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]  
**Sent:** Wednesday, February 20, 2013 8:38 AM  
**To:** Rinehart, Mark W.  
**Subject:** RE: Another addition?

Hi Mark,

No problem; I can add this one, too.

Do you have any more information for me regarding the "rules v. policies" question on the LESB draft? I have it redrafted, but I haven't put it into editing yet because I want to be sure it reflects your intent. As we discussed, the redraft replaces some of the rule-making requirements with a requirement to set "policy," but still requires training outcomes to be established by rule. Do you want to exempt these rules from any or all of the new requirements of ch. 227?

Peggy

---

**From:** Rinehart, Mark W. [<mailto:RinehartMW@DOJ.STATE.WI.US>]  
**Sent:** Wednesday, February 20, 2013 8:30 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Another addition?

Hello Peggy,

Please see the email below and attachment regarding adding another substance to ch. 961. Thank you.

---

**From:** Cattanach, Karie D.  
**Sent:** Wednesday, February 20, 2013 8:26 AM  
**To:** Rinehart, Mark W.  
**Cc:** Koch, Martin G.  
**Subject:** Another addition?

Mark,

Not sure where the drafting stands, but we have another addition if possible. Read below. I have inserted it in the draft on page 10.

Thanks

*Karie D. Cattanach*

*Assistant Attorney General*

*Criminal Litigation*

*608-264-6360*

---

**From:** Koch, Martin G.  
**Sent:** Tuesday, February 19, 2013 4:34 PM  
**To:** Cattanach, Karie D.  
**Subject:** Kratom

Karie,

I recently became aware that Indiana controlled 7-Hydroxymitragynine in addition to Mitragynine. There seems to be some evidence that 7-Hydroxymitragynine may be the principal biologically active material in Kratom. It would be prudent to add this to the proposal if it is not too late.

Marty

## V. Kratom

Add...

961.14(7)(mk) Mitragynine;

961.14(7)(ml) 7-Hydroxymitragynine



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-017841

PJH:jld:jf

Stays

PWF

3  
2011 BILL

3-1<sup>in</sup>-13

~~MAJOR~~  
DUE FRIDAY please

1474/P1  
rnr

✓

Rege

1 AN ACT *to amend* 29.921 (5), 40.02 (48) (b) 4., 110.07 (1) (a) (intro.), 110.07 (6),  
2 165.85 (1), 165.85 (2) (d), 165.85 (3) (d), 165.85 (4m), 165.85 (5) (title), 165.85  
3 (5) (b), 165.86 (1) (c), 165.92 (2) (a), 175.41 (3) (c), 895.46 (1) (b) 1. and 939.22  
4 (37); *to repeal and recreate* 165.85 (4) and 165.85 (5) (a); and *to create* 165.85  
5 (2) (bx), 165.85 (2) (cm), 165.85 (2) (e) and 165.85 (2) (f) of the statutes; **relating**  
6 **to:** law enforcement standards and requiring the exercise of rule-making  
7 authority. ✓

---

***Analysis by the Legislative Reference Bureau*** ✓

Under current law, the Law Enforcement Standards Board (board) is attached to the Department of Justice. There are 15 members on the board who serve four-year terms and, among other duties, establish minimum educational and training standards for law enforcement officers, tribal law enforcement officers, jail officers, juvenile detention officers, and constables. ✓

This bill separates the training standards into three distinct categories: 1) the standards for law enforcement officers and tribal law enforcement officers; 2) the standards for jail officers; ✓ and 3) the standards for juvenile detention officers. Under the bill, constables whose town boards require them to undergo training are subject to the same training standards as law enforcement officers and tribal law enforcement officers.



**BILL**

The bill makes several changes to the training and education standards, including setting forth a training and education protocol for law enforcement students, recruits, and temporary or probationary employees. Under the bill, law enforcement officer students and tribal law enforcement officer students are required to submit fingerprints and undergo a criminal background check. Any person who has been convicted of a felony or of a misdemeanor related to domestic violence may not participate in a student training program for becoming a law enforcement officer or a tribal law enforcement officer. Under the bill, under most circumstances a recruit or a temporary or probationary employee must complete his or her training program within the original period of his or her temporary or probationary employment, not to exceed 18 months, except that the board may extend that period if the employer shows good cause for the board to do so.

The bill eliminates specific hour requirements for training and education and allows the board to determine the specific training curricula, including the required subjects, number of hours, objectives, and measures of performance for the training and education protocol for each category of officer. The bill requires the board to include, in different measures for each category of officer, training in cultural differences, mental health and physical health conditions that can affect behavior, and arrest and pursuit procedures. The bill allows the board more flexibility than exists under current law for determining how law enforcement agencies are reimbursed for expenses related to training and educating officers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 29.921 (5) of the statutes is amended to read:

29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) (a) 1. and has complied with any applicable requirements under s. 165.85 (4) (b) 1. (a) 6 while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a

165.85(2)(b)

letters

**BILL**

1 crime in the presence of the warden. If the warden makes an arrest without the  
2 presence of another law enforcement agency, the warden shall cause the person  
3 arrested to be delivered to the chief of police or sheriff in the jurisdiction where the  
4 arrest is made, along with the documents and reports pertaining to the arrest. The  
5 warden shall be available as a witness for the state. A warden may not conduct  
6 investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924  
7 (1) and 41.41 (12). A warden acting under the authority of this subsection is  
8 considered an employee of the department and is subject to its direction, benefits and  
9 legal protection. The authority granted in this section does not apply to county  
10 conservation wardens or special conservation wardens.

11 **SECTION 2.** 40.02 (48) (b) 4. <sup>✓</sup> of the statutes is amended to read:

12 40.02 **(48)** (b) 4. A "member of the state traffic patrol" includes one division  
13 administrator in the department of transportation who is counted under s. 230.08  
14 (2) (e) 12. and whose duties include supervising the state traffic patrol, if the division  
15 administrator is certified by the law enforcement standards board under s. 165.85  
16 (4) ~~(b)~~ <sup>✓</sup> (a) 1. as being qualified to be a law enforcement officer.

17 **SECTION 3.** 110.07 (1) (a) (intro.) <sup>✓</sup> of the statutes is amended to read:

18 110.07 **(1)** (a) (intro.) The secretary shall employ not more than 399 traffic  
19 officers. The state traffic patrol consists of the traffic officers, the person designated  
20 to head them whose position shall be in the classified service and, if certified under  
21 s. 165.85 (4) ~~(b)~~ <sup>✓</sup> (a) 1. as qualified to be a law enforcement officer, the division  
22 administrator who is counted under s. 230.08 (2) (e) 12. and whose duties include  
23 supervising the state traffic patrol. The division administrator may not be counted  
24 under this paragraph. Members of the state traffic patrol shall:

25 **SECTION 4.** 110.07 (6) <sup>✓</sup> of the statutes is amended to read:

Insert  
3.16

## BILL

## SECTION 4

1 110.07 (6) The division administrator who is counted under s. 230.08 (2) (e) 12.  
2 and whose duties include supervising the state traffic patrol shall be designated  
3 superintendent of the state traffic patrol, if he or she is certified under s. 165.85 (4)  
4 (b) <sup>✓</sup>(a) 1. as qualified to be a law enforcement officer.

5 ~~SECTION 5. 165.85 (1) of the statutes is amended to read:~~

6 ~~165.85 (1) FINDINGS AND POLICY. The legislature finds that the administration~~  
7 ~~of criminal justice is of statewide concern, and that law enforcement work is of vital~~  
8 ~~importance to the health, safety, and welfare of the people of this state and is of such~~  
9 ~~a nature as to require training, education, and the establishment of standards of a~~  
10 ~~proper professional character. The public interest requires that these standards be~~  
11 ~~established and that this training and education be made available to persons who~~  
12 ~~seek to become law enforcement, tribal law enforcement, jail or juvenile detention~~  
13 ~~officers, persons who are serving as these officers in a temporary, specialized, or~~  
14 ~~probationary capacity, and persons already in regular service.~~

15 ~~SECTION 6. 165.85 (2) (bx) of the statutes is created to read:~~

16 165.85 (2) (bx) "Law enforcement instructor" means an instructor who is <sup>✓</sup>  
17 required to deliver board-approved program outcomes, course competencies, <sup>✓</sup>  
18 performance standards, and learning objectives in training programs and training <sup>✓</sup>  
19 schools for law enforcement officers, tribal law enforcement officers, jail officers, and  
20 juvenile detention officers. <sup>✓</sup>

21 ~~SECTION 7. 165.85 (2) (cm) of the statutes is created to read:~~

22 165.85 (2) (cm) "Police pursuit" has the meaning given in s. 85.07 (8) (a). <sup>✓</sup>

23 SECTION 8. 165.85 (2) (d) of the statutes is amended to read:

Insert  
4.14 <sup>✓</sup>

<sup>✓</sup> a person  
certified  
by the  
board

## BILL

1           165.85 (2) (d) "Political subdivision" means counties, cities, villages, towns,  
2 town sanitary districts ~~and~~, public inland lake protection and rehabilitation  
3 districts, and technical college districts.✓

4           **SECTION 9.** 165.85 (2) (e) <sup>X</sup> of the statutes is created to read:

5           165.85 (2) (e) "Preservice student" <sup>✓</sup> means any person who meets the minimum  
6 recruitment qualifications set by the board and who enrolls in preparatory training  
7 prior to employment as a law enforcement officer, tribal law enforcement officer, jail  
8 officer, or juvenile detention officer.✓

9           **SECTION 10.** 165.85 (2) (f) <sup>X</sup> of the statutes is created to read:

10          165.85 (2) (f) "Recruit" <sup>✓</sup> means a law enforcement officer, tribal law enforcement  
11 officer, jail officer, or juvenile detention officer employed on a probationary or  
12 temporary basis, in compliance with the minimum recruitment qualifications set by  
13 the board.✓

14          **SECTION 11.** 165.85 (3) (d) <sup>X</sup> of the statutes is amended to read:

15          165.85 (3) (d) Establish minimum curriculum requirements for preparatory  
16 courses and programs, and recommend minimum curriculum requirements for  
17 recertification and advanced courses and programs, in schools approved by the board  
18 and operated by or for this state or any political subdivision of the state for the  
19 specific purpose of training law enforcement recruits, law enforcement officers,  
20 tribal law enforcement recruits, tribal law enforcement officers, jail officer recruits,  
21 jail officers, juvenile detention officer recruits, or juvenile detention officers in areas  
22 of knowledge and ability necessary to the attainment of effective performance as an  
23 officer, and ranging from subjects such as first aid, patrolling, statutory authority,  
24 techniques of arrest, protocols for official action by off-duty officers, firearms, and  
25 recording custodial interrogations to subjects designed to provide a better

✓  
Insert  
5.13

## BILL

## SECTION 11

1 understanding of ever-increasing complex problems in law enforcement such as  
2 human relations, civil rights, constitutional law, and supervision, control, and  
3 maintenance of a jail or juvenile detention facility. The board shall appoint a  
4 13-member ~~advisory curriculum~~ <sup>✓</sup> advisory committee consisting of 6 chiefs of police  
5 and 6 sheriffs to be appointed on a geographic basis ~~of not more than one chief of~~  
6 ~~police and one sheriff from any one of the 8 state administrative districts~~ <sup>✓</sup> together  
7 with the director of training of the Wisconsin state patrol. This committee shall  
8 advise the board in the establishment of the curriculum requirements.

9 SECTION 12. 165.85 (4) of the statutes is repealed and recreated to read:

10 165.85 (4) REQUIRED STANDARDS. (a) *Law enforcement and tribal law*  
11 *enforcement officers.* 1. The board shall <sup>✓</sup> by rule establish program outcomes for a  
12 preparatory program of law enforcement and tribal law enforcement officer training.

13 Specifics of the training curriculum, <sup>✓</sup> including the total number of hours,  
14 competencies, student learning and performance objectives, particular subjects, and  
15 the minimum number of hours for each subject <sup>✓</sup> may be established by written policy  
16 of the board. In establishing the preparatory training program, the board shall give  
17 due consideration to recommendations made by the curriculum advisory committee.

18 The board may amend the <sup>✓</sup> rules and policies governing the preparatory training  
19 program as needed to respond to technological changes affecting law enforcement,  
20 additional recommendations made by the curriculum advisory committee, or other  
21 conditions affecting the public interest in maintaining training standards of a proper  
22 professional character. The training program shall include all of the following:

23 a. Training to enable the person being trained to deal effectively with domestic  
24 abuse incidents, including training that addresses the emotional and psychological  
25 effect that domestic abuse has on victims.

Insert 6.22 ✓

## BILL

b. Training on emergency detention standards and procedures under s. 51.15, emergency protective placement standards and procedures under s. 55.135, and information on mental health and developmental disabilities agencies and other resources that may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements, and locating appropriate facilities for the emergency detentions and emergency protective placements of persons.

c. Training on mental health and medically significant behavior, including at least one hour of instruction on recognizing the symptoms of Alzheimer's disease or other related dementias and interacting with and assisting persons who have Alzheimer's disease or other related dementias.

d. Training on police pursuit standards, guidelines, and driving techniques established under par. (d).

e. Training concerning cultural diversity, including sensitivity toward racial and ethnic differences. The training shall be designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races and shall emphasize the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform enforcement under the law.

2. Except as provided in subd. (7.), no person may be employed as a law enforcement or tribal law enforcement officer, except on a temporary or probationary basis, unless the person satisfactorily <sup>completed</sup> completes the program established under subd. 1. ~~A recruit who has not satisfactorily completed the program established~~ under subd. 1. may perform the duties of a law enforcement or tribal law enforcement

has  
and has been certified  
by the board as being  
qualified to be

3. ✓  
8.1  
preparatory  
training

## BILL

## SECTION 12

1 officer only under the oversight of a certified law enforcement or tribal law  
2 enforcement officer. Upon successful completion of the program established under  
3 subd. 1., a recruit may be certified by the board as a law enforcement or tribal law  
4 enforcement officer. In order to be eligible for certification, a recruit must  
5 successfully complete the program established under subd. 1. within the original  
6 period of his or her temporary or probationary employment that, except as provided  
7 in subd. (5) or as otherwise authorized by law, may not exceed 18 months from his or  
8 her date of hire. Except as provided in sub. (3m) (a), and in addition to certification  
9 procedures under this paragraph, the board may certify any person as being a tribal  
10 law enforcement officer on the basis of the person's completion of the training  
11 requirements for law enforcement officer certification prior to May 6, 1994. The  
12 officer must also meet the agreement requirements under sub. (3) (c) prior to  
13 certification as a tribal law enforcement officer.

14 U. 4.3. Preservice students taking part in the preparatory program of law  
15 enforcement or tribal law enforcement officer training established by the board  
16 under subd. 1. shall submit fingerprints to the department of justice. The  
17 department of justice shall verify the identity of the person fingerprinted and obtain  
18 records of his or her criminal arrests and convictions in Wisconsin. The department  
19 of justice shall submit each set of fingerprints to the federal bureau of investigation  
20 for the purpose of verifying the person fingerprinted and obtaining records of his or  
21 her criminal arrests and convictions on file with the federal bureau of investigation.

22 S. 4.4. No person who has been convicted of any federal felony, any crime of domestic  
23 violence, or of any offense that, if committed in Wisconsin, could be punished as a  
24 felony may take part in preparatory training unless he or she has been granted an  
25 absolute and conditional pardon for the crime.

Unconditional

program established  
under subd. 1.

## BILL

LRB-0173/1  
PJH:jld:jf  
SECTION 12

5. Upon a showing of good cause by a recruit or a recruit's employer, the board may extend the recruit's original period of temporary or probationary employment for a period of time it deems appropriate.

6. a. Except as provided in subd. 7., no person may continue as a law enforcement or tribal law enforcement officer, except on a temporary or probationary

basis, unless that person completes annual recertification training. Any officer

elected by popular vote who is also a certified officer must complete annual

recertification training to maintain certification. Any officer who is subject to this

subdivision shall complete at least 24 hours each fiscal year beginning in the fiscal

year following the fiscal year in which he or she is certified as a law enforcement or

tribal law enforcement officer by the board.

b. Each officer who is subject to this subdivision shall biennially complete at least 4 hours of training from curricula based upon model standards promulgated by the board under par. (d). Hours of training completed under this subd. 6/b. shall count toward the hours of training required under subd. 6/a.

7. Law enforcement and tribal law enforcement officers who are elected by

popular vote are not required to satisfy the requirements under subd. 2. or 6. as a

condition of tenure or continued employment. The failure of any such law

enforcement or tribal law enforcement officer to fulfill the requirements of subd. 2.

or 6. does not make that officer ineligible for any promotional examination for which

he or she is otherwise eligible. Any law enforcement or tribal law enforcement officer

may voluntarily participate in any program established under this paragraph.

(b) Jail officers. 1. The board shall by rule establish program outcomes for a

preparatory program of jail officer training. Specifics of the training curriculum,

including the total number of hours, competencies, student learning and

Insert 9.24

maintains law enforcement or tribal law enforcement employment and

certified

of recertification training

Sheriff 7. 3, or 7.

Insert 9.15



## BILL

## SECTION 12

performance objectives, particular subjects, and the minimum number of hours for each subject ~~may~~ <sup>shall</sup> be established by written policy of the board. In establishing the preparatory training program, the board shall give due consideration to recommendations made by the curriculum advisory committee. The board may amend the ~~rules~~ and policies governing the preparatory training program as needed to respond to technological changes affecting jail administration, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. The board may provide, by rule, that any part of the training program under this subdivision and the training program under par. (c) 1. are identical and count toward either training requirement under this paragraph or par.

(c). The training program under this subdivision shall include training on mental health and medically significant behavior, including at least 16 hours on methods of supervision of special needs inmates, including inmates who may be emotionally distressed, mentally ill, suicidal, developmentally disabled, or alcohol or drug abusers.

2. Except as provided in subd. 1., no person may be employed as a jail officer except on a temporary or probationary basis, unless the person satisfactorily

~~completes~~ the program established under subd. 1. Upon successful completion of the

program established under subd. 1., a recruit may be certified by the board as a jail officer. In order to be eligible for certification under this subdivision, a recruit must successfully complete the program established under subd. 1. within the original period of his or her temporary or probationary employment that, except as provided in subd. 3, or as otherwise authorized by law, may not exceed 18 months from his or her date of hire.

## BILL

✓ maintains employment with a jail

① ④ 3. Upon a showing of good cause by a recruit or a recruit's employer, the board  
2 may extend the recruit's original period of temporary or probationary employment  
3 for a period of time it deems appropriate. ✓ (certified)

④ ④ 4. No person may continue as a jail officer, except on a temporary or  
5 probationary basis, unless that person completes annual recertification training.

6 The officer shall complete at least 24 hours of recertification training each fiscal year  
7 beginning in the fiscal year following the fiscal year in which he or she is certified  
8 as a jail officer by the board.

⑨ ⑦ ④ 5. Subdivision 2. ✓ does not apply to a jail officer serving under permanent  
10 appointment prior to July 2, 1983. ✓ The failure of any such officer to fulfill those  
11 requirements does not make that officer ineligible for any promotional examination  
12 for which he or she is otherwise eligible. Any such officer may voluntarily participate  
13 in programs to fulfill those requirements. ✓ (insert 11.16)

④ (c) *Juvenile detention officers.* 1. The board shall (by rule) establish program  
15 outcomes for a preparatory program of juvenile detention officer training. Specifics  
16 of the training curriculum, including the total number of hours, competencies,  
17 student learning and performance objectives, particular subjects, and the minimum  
18 number of hours for each subject may be established by written policy of the board.

19 In establishing the preparatory training program, the board shall give due  
20 consideration to recommendations made by the curriculum advisory committee. The  
21 board may amend the rules and policies governing the preparatory training program  
22 as needed to respond to technological changes affecting juvenile detention  
23 administration, additional recommendations made by the curriculum advisory  
24 committee, or other conditions affecting the public interest in maintaining training  
25 standards of a proper professional character. The board may provide, by rule, that

shall

Criteria

## BILL

1 any part of the training program under this subdivision<sup>✓</sup> and the training program  
2 under par. (b) 1<sup>✓</sup> are identical and count toward either training requirement under  
3 this paragraph or par. (b).<sup>✓</sup> Any training program established under this subdivision  
4 shall include training on mental health and medically significant behavior, including  
5 at least 16 hours on methods of supervision of special needs inmates, including  
6 inmates who may be emotionally distressed, mentally ill, suicidal, developmentally  
7 disabled, or alcohol or drug abusers.

8 2. No person may be employed as a juvenile detention officer, except on a  
9 temporary or probationary basis, unless the person satisfactorily completes<sup>✓</sup> the  
10 program established under subd. 1. Upon successful completion of the program  
11 established under subd. 1., a recruit may be certified by the board as a juvenile  
12 detention officer. In order to be eligible for certification under this subdivision, a  
13 recruit must successfully complete the program established under subd. 1. within  
14 the original period of his or her temporary or probationary employment that, except  
15 as provided in subd. 3. or as otherwise authorized by law, may not exceed 18 months  
16 from his or her date of hire.

17 3. Upon a showing of good cause by a recruit or a recruit's employer, the board  
18 may extend the recruit's original period of temporary or probationary employment  
19 for a period of time it deems appropriate.

20 4. No person may continue as a juvenile detention officer, except on a temporary  
21 or probationary basis, unless that person completes annual recertification training.  
22 The officer shall complete at least 24 hours each fiscal year beginning in the fiscal  
23 year following the fiscal year in which he or she is certified as a juvenile detention  
24 officer by the board.

✓ of recertification training

## BILL

1 5. Any person employed and certified as a jail officer on July 1, 1994, is certified  
2 as a juvenile detention officer and remains certified as a juvenile detention officer  
3 subject to annual recertification requirements under subd. (4) and the board's  
4 decertification authority under sub. (3) (cm).

5 (d) *Police pursuit.* The board shall promulgate rules that do all of the following:

6 1. Establish model standards that could be used by any law enforcement agency  
7 to determine whether to initiate or continue police pursuit, to establish police pursuit  
8 driving techniques employed by that agency, and to inform its officers of its written  
9 guidelines provided under s. 346.03 (6). The board shall review and, if considered  
10 appropriate by the board, revise the model standards established under this  
11 subdivision not later than June 30 of each odd-numbered year thereafter. The rules  
12 promulgated under this subdivision are advisory only, are not required to be included  
13 as a law enforcement training standard under this subsection, and are inadmissible  
14 as evidence, except to show compliance with this subdivision.

15 2. Establish the preparatory program and biennial recertification training  
16 curricula required under par. (a) relating to police pursuit standards, guidelines, and  
17 driving techniques.

18 (e) *Equivalent standards.* Except as provided in sub. (3m) (a), the board shall  
19 certify a recruit who presents evidence that he or she has satisfied, to a degree  
20 established by the board, a training program that is at least equivalent to a training  
21 program established under par. (a), (b), or (c).

22 (f) *Local or agency standards.* Nothing in this subsection shall preclude any  
23 law enforcement or tribal law enforcement agency or sheriff from setting recruit  
24 training and employment standards that are higher than the minimum standards  
25 set by the board.

Insert  
13.21

and recertification  
training

## BILL

*repealed.**Fix Component*

SECTION 13. 165.85 (4m) of the statutes is amended to read:

~~165.85 (4m) TRAINING FOR CONSTABLES. The board shall establish a separate training program for those constables who are not required to complete training under sub. (4). A constable required to complete training under s. 60.22 (4) shall complete the same training as provided in sub. (4) (a) 1. for law enforcement and tribal law enforcement officers. Except as provided in s. 60.22 (4), a constable may voluntarily participate in the program under this subsection. Expenses incurred for this the preparatory training program are subject to reimbursement under sub. (5).~~

SECTION 14. 165.85 (5) (title) of the statutes is amended to read:

165.85 (5) (title) SCHOOLS AND PROGRAMS; GRANTS TRAINING REIMBURSEMENTS.

SECTION 15. 165.85 (5) (a) of the statutes is repealed and recreated to read:

165.85 (5) (a) All training programs and training schools for law enforcement, tribal law enforcement, jail, and juvenile detention officers and law enforcement instructors must be authorized and approved by the board as meeting standards established by the board. The board may authorize and approve a training program or training school only if it is operated by an agency of the state or of a political subdivision of the state. The authority granted in this paragraph does not authorize the board to select a site for a state police, jail, or juvenile detention officer academy or to expend funds thereon.

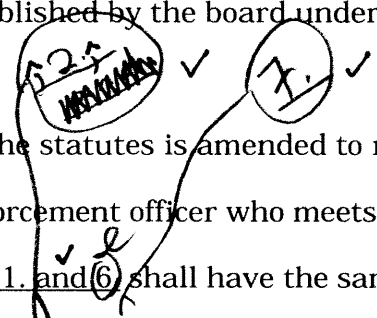
SECTION 16. 165.85 (5) (b) of the statutes is amended to read:

165.85 (5) (b) The board shall authorize the reimbursement to each political subdivision of approved expenses incurred by ~~officers~~ *recruits* who satisfactorily complete training at schools certified by the board. Reimbursement of these expenses for law enforcement officer, jail officer and juvenile detention officer preparatory training shall be for board approved tuition, living, and travel expenses for the first 400 hours

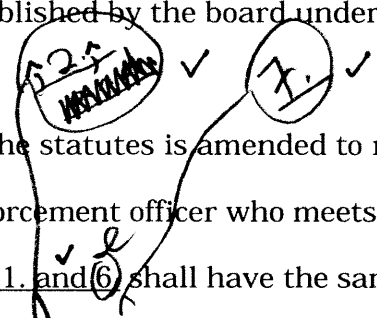
**BILL**

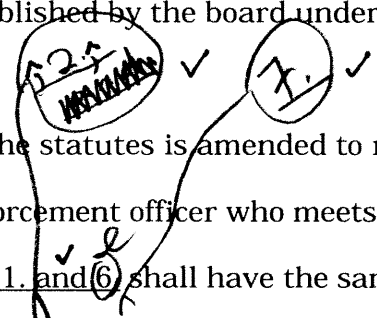
1 of law enforcement preparatory training and for the first 120 hours of jail or juvenile  
2 detention officer preparatory training. Reimbursement of approved expenses for  
3 completion of annual recertification training under sub. (4) ~~(bn)~~ shall include at least  
4 \$160 per officer thereafter. Funds may also be distributed for attendance at other  
5 training programs and courses or for training services on a priority basis to be  
6 decided by the department of justice.

7 **SECTION 17.** 165.86 (1) (c) of the statutes is amended to read:

8 165.86 (1) (c) Identify state agencies and political subdivisions that employ law  
9 enforcement officers in the state and notify the appropriate officials of the model law  
10 enforcement pursuit standards established by the board under s. 165.85 (4) ~~(cm)~~ 2.  
11 a. (d). 

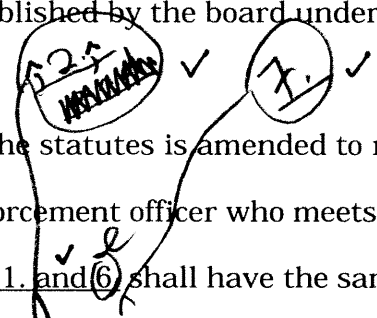
12 **SECTION 18.** 165.92 (2) (a) of the statutes is amended to read:

13 165.92 (2) (a) A tribal law enforcement officer who meets the requirements of  
14 s. 165.85 (4) (b) 1., ~~(bn) 1.~~ and ~~(e) (a) 1.~~ and ~~(6)~~ shall have the same powers to enforce  
15 the laws of the state and to make arrests for violations of such laws that sheriffs have,  
16 including powers granted to sheriffs under ss. 59.27 and 59.28 and under the  
17 common law, and shall perform the duties accepted under s. 165.85 (3) (c). 

18 **SECTION 19.** 175.41 (3) (c) of the statutes is amended to read: 

19 175.41 (3) (c) The commission warden meets the requirements of s. 165.85 (4)  
20 (b) 1., ~~(bn) 1.~~ and ~~(e) (a) 1.~~ and ~~(6)~~ and has agreed to accept the duties of a law  
21 enforcement officer under the laws of this state.

22 **SECTION 20.** 895.46 (1) (b) 1. of the statutes is amended to read:

23 895.46 (1) (b) 1. Satisfactorily completed or are currently enrolled in the  
24 preparatory program of law enforcement training under s. 165.85 (4) ~~(b) (a) 1.~~ and,  
25 if applicable, the recertification programs under s. 165.85 (4) ~~(bn) 1.~~ (a) 6. or have 



**BILL**

1 provided evidence of equivalent law enforcement training and experience as  
2 determined by the law enforcement standards board; or

3 **SECTION 21.** 939.22 (37) of the statutes is amended to read:

4 939.22 **(37)** "State-certified commission warden" means a commission warden  
5 who meets the requirements of s. 165.85 (4) <sup>✓</sup> ~~(b) 1., (bn) 1., and (c) (a) 1. and 6~~ and has  
6 agreed to accept the duties of a law enforcement officer under the laws of this state.

7 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-14747ins  
PJH:.....

1           INSERT ANALYSIS:

2           ~~NO~~ The bill requires the board<sup>✓</sup> to develop model standards for use by law  
enforcement agencies to show handgun proficiency and to include handgun  
proficiency in the preparatory program and recertification training. ~~NO~~<sup>✓</sup>

3           INSERT 3.16:

4           <sup>✓</sup>**SECTION 1.** 60.22 (4) of the statutes is amended to read:

5           60.22 (4) JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and  
6           duties of the town constable. ~~The town board may also require the town constable~~  
7           ~~to complete training under s. 165.85 (4m).~~ <sup>✓</sup> A town constable who is given law  
8           enforcement duties by the town board, and who meets the definition of a law  
9           enforcement officer under s. 165.85 (2) (c), shall comply with the minimum  
10          employment standards for law enforcement officers established by the law  
11          enforcement standards board and shall complete training under s. 165.85 (4) (a) 1. <sup>✓</sup> plain

History: 1983 a. 532; 1987 a. 237.

12          <sup>✓</sup>**SECTION 2.** 61.28 of the statutes is renumbered<sup>✓</sup> 61.28 (1) and amended to read:

13          61.28 <sup>✓</sup>**(Marshal)** (1) The village marshal shall execute and file an official bond.  
14          The marshal shall possess the powers, enjoy the privileges and be subject to the  
15          liabilities conferred and imposed by law upon constables, and be taken as included  
16          in all writs and papers addressed to constables. The marshal shall obey all lawful  
17          written orders of the village board<sup>✓</sup>, ~~and arrest with or without process every person~~  
18          ~~found in the village engaged in any disturbance of the peace or violating any law of~~  
19          the state or ordinance of the village. <sup>✓</sup> ~~The marshal may command all persons present~~ <sup>strike</sup>  
20          ~~in that case to assist, and if any person, being so commanded, refuses or neglects to~~  
21          render assistance the person shall forfeit not exceeding \$10. <sup>✓</sup> ~~The marshal is entitled~~ <sup>plain</sup>

↓



1 to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a  
2 higher fee is applicable under s. 814.705 (1) (c); for other service rendered the village,  
3 compensation as the board fixes.

History: 1975 c. 41, 199; 1981 c. 317; 1987 a. 181; 1997 ~~27~~.

4 **SECTION 3.** 61.28 (2) of the statutes is created to read:

5 61.28 (2) A village marshal who is given law enforcement duties by the village  
6 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
7 (c), shall comply with the minimum employment standards for law enforcement  
8 officers established by the law enforcement standards board, and shall complete  
9 training under s. 165.85 (4) (a) 1.

10 **SECTION 4.** 61.29 (3) of the statutes is created to read:

11 61.29 (3) A village constable who is given law enforcement duties by the village  
12 board, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
13 (c), shall comply with the minimum employment standards for law enforcement  
14 officers established by the law enforcement standards board, and shall complete  
15 training under s. 165.85 (4) (a) 1.

16 **SECTION 5.** 62.09 (15) of the statutes is renumbered 62.09 (15) (b).

17 **SECTION 6.** 62.09 (15) (a) of the statutes is created to read:

18 62.09 (15) (a) A constable who is given law enforcement duties by the common  
19 council, and who meets the definition of a law enforcement officer under s. 165.85 (2)  
20 (c), shall comply with the minimum employment standards for law enforcement  
21 officers established by the law enforcement standards board, and shall complete  
22 training under s. 165.85 (4) (a) 1.

23  
24 INSERT 4.14:



1           **SECTION 7.** 165.85 (2) (bv)<sup>✓</sup> of the statutes is created to read:

2           165.85 (2) (bv) "Law enforcement agency"<sup>✓</sup> means a governmental unit of this  
3 state or a political subdivision<sup>✓</sup> of this state that employs one or more law enforcement  
4 officers.<sup>✓</sup>

(end ins 4.14)

5  
6           INSERT 5.13:

7           **SECTION 8.** 165.85 (3) (cm)<sup>✓</sup> of the statutes is amended to read:

8           165.85 (3) (cm) Decertify law enforcement, tribal law enforcement, jail or  
9 juvenile detention officers who terminate employment or are terminated, who  
10 violate or fail to comply with a rule, policy<sup>✓</sup>, or order of the board relating to curriculum  
11 or training, who falsify information to obtain or maintain certified status, who are  
12 certified as the result of an administrative error, who are convicted of a felony or of  
13 any offense<sup>e that</sup> (which), if committed in Wisconsin, could be punished as a felony, who are  
14 convicted of a misdemeanor crime of domestic<sup>e</sup> (domestic) violence<sup>✓</sup>, or who fail to pay  
15 court-ordered payments of child or family support, maintenance, birth expenses,  
16 medical expenses, or other expenses related to the support of a child or former  
17 spouse, or who fail to comply, after appropriate notice, with a subpoena or warrant  
18 issued by the department of children and families or a county child support agency  
19 under s. 59.53 (5) and related to paternity or child support proceedings. The board  
20 shall establish procedures for decertification in compliance with ch. 227, except that  
21 decertification for failure to pay court-ordered payments of child or family support,  
22 maintenance, birth expenses, medical expenses, or other expenses related to the  
23 support of a child or former spouse or for failure to comply, after appropriate notice,  
24 with a subpoena or warrant issued by the department of children and families or a



1 county child support agency under s. 59.53 (5) and related to paternity or child  
2 support proceedings shall be done as provided under sub. (3m) (a).

**History:** 1973 c. 90, 333; 1975 c. 94 s. 91 (11); 1977 c. 29, 418; 1979 c. 111; 1981 c. 20; 1983 a. 27; 1985 a. 29, 260; 1987 a. 237, 366, 394; 1989 a. 31, 291; 1991 a. 39; 1993 a. 16, 167, 213, 399, 407, 460, 482, 491; 1995 a. 201, 225, 349; 1997 a. 27, 88, 191; 1999 a. 9; 2001 a. 16, 109; 2005 a. 60, 264, 344, 414; 2007 a. 20, 27, 97, 130; 2009 a. 28, 180; 2011 a. 29.

3

4 INSERT 6.12:

5 ~~NO~~ ~~4~~, which shall include not less than 600 hours of training<sup>✓</sup>. The board shall  
6 establish criteria for the general program outcomes for the preparatory program. ~~NO~~ ~~4~~

7

8 INSERT 6.22:

9 ~~NO~~ ~~4~~ Notwithstanding s. 227.10 (1)<sup>✓</sup>, the criteria and policies established under this  
10 paragraph need not be promulgated as rules under ch. 227.<sup>✓</sup>

11

12 INSERT 8.6:

13 ~~4~~ 3. A recruit may exercise law enforcement powers during an original period of ~~NO~~ ~~4~~

14

15 INSERT 8.8:

16 ~~NO~~ ~~4~~ the recruit's first date of employment.<sup>✓</sup>

17 ~~4~~ 3h. A person may be certified by the board under<sup>✓</sup> subd. 2. only if the person has  
18 successfully completed the preparatory program established under subd. 1.<sup>✓</sup> within  
19 the person's original period of temporary or<sup>✓</sup> probationary employment established  
20 in subd. 3.<sup>✓</sup>

21 ~~4~~ 3m. ~~NO~~ ~~4~~

22

23 INSERT 8.19:



1 <sup>NO</sup> be fingerprinted on <sup>e 2</sup> (two) fingerprint card<sup>s</sup> each bearing a complete set of the  
2 student's fingerprints, or by other technologies approved by the department of  
3 justice. The fingerprints shall be submitted to the department of justice for  
4 verification of the identify of the person fingerprinted and to obtain records of his or  
5 her criminal arrests and convictions in Wisconsin. The department of justice shall  
6 provide for the submission of the fingerprint cards or fingerprints by other  
7 technologies <sup>NO</sup>

9 INSERT 9.15:

10 c. Each officer who is subject to this<sup>✓</sup> subdivision shall annually complete a  
11 handgun qualification course from curricula based upon model standards  
12 established by the board under par. (e).<sup>✓</sup> Hours of training completed under this subd.  
13 7. c.<sup>✓</sup> shall count toward the hours of training required under subd. 7. a. <sup>Δ</sup>

15 INSERT 9.24:

16 <sup>NO</sup>, which shall include not less than <sup>✓</sup> 160 hours of training. The board shall  
17 establish criteria for the general program outcomes for the<sup>✓</sup> preparatory program<sup>NO</sup>

19 INSERT 10.16:

20 <sup>NO</sup> Notwithstanding s. 227.10 (1), the criteria and policies established under this  
21 paragraph<sup>✓</sup> need not be promulgated as rules under ch.<sup>✓</sup> 227.

23 INSERT 10.20

24 <sup>NO</sup> and has been certified by the board as being qualified to be a jail officer.<sup>✓</sup>



1           3. A recruit may exercise jail officer powers only during an original period of  
2 temporary or probation employment that, except as provided in<sup>✓</sup> subd. 5. or as  
3 otherwise authorized by law, may not exceed<sup>✓</sup> 12 months from<sup>the</sup> recruit's first date  
4 of employment.

5           4. A person may be certified by the board under subd. 2.<sup>✓</sup> only if the person has  
6 successfully completed the preparatory program established under subd. 1.<sup>✓</sup> within  
7 the person's original period of temporary or probationary employment established  
8 in subd. 3.<sup>✓</sup>

9           (end ins 10.20)

10          INSERT 11.16:

11          ~~NO~~ , which shall include not less than 160<sup>✓</sup> hours of training. The board shall  
12 establish criteria for the general program outcomes for the preparatory program.<sup>NO</sup>  
13

14          INSERT 12.7:

15          ~~NO~~ Notwithstanding s. 227.10 (1),<sup>✓</sup> the criteria and policies established under this  
16 paragraph<sup>✓</sup> need not be promulgated as rules under ch. 227.<sup>✓</sup>  
17

18          INSERT 12.10:

19          ~~NO~~ and has been certified by the board as being qualified to be a juvenile detention  
20 officer.<sup>✓</sup>

21           3. A recruit may exercise juvenile detention officer powers only during an  
22 original period of temporary or probation employment that, except as provided in  
23 subd. 5.<sup>✓</sup> or as otherwise authorized by law, may not exceed<sup>✓</sup> 12 months from the  
24 recruit's first date of employment.<sup>✓</sup>



1           4. A person may be certified by the board under subd. 2.✓ only if the person has  
2 successfully completed the preparatory program established under subd. 1.✓ within  
3 the person's original period of temporary or probationary employment established  
4 in subd. 3.✓

(end ins 12.10)

6           INSERT 13.21:

7           (e) *Firearms.*✓ The board shall establish criteria for firearm training.  
8 Notwithstanding s. 227.10 (a), the criteria need not be promulgated as rules under  
9 ch. 227 and shall do all of the following:

10           1. Establish model standards that could be <sup>e used</sup> (use) by any law enforcement agency  
11 to show handgun proficiency.

12           2. Establish the preparatory program and annual recertification training  
13 curricula required under par. (a)✓ relating to an office's ability to operate and fire a  
14 handgun.

(end ins 13.21)

## Hurley, Peggy

---

**From:** Rinehart, Mark W. <RinehartMW@DOJ.STATE.WI.US>  
**Sent:** Tuesday, April 02, 2013 10:04 AM  
**To:** Hurley, Peggy  
**Subject:** RE: Draft review: LRB -1474/P1 Topic: Law EnforcementStandards Board Changes

I think we're ready for a /1. Thanks.

---

**From:** Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]  
**Sent:** Tuesday, April 02, 2013 9:44 AM  
**To:** Rinehart, Mark W.  
**Subject:** RE: Draft review: LRB -1474/P1 Topic: Law EnforcementStandards Board Changes

Thanks, Mark. Those are kind of embarrassing! I'll pull up the draft and get the changes to you as soon as possible. Should I go to /1 or do you prefer another preliminary draft?

---

**From:** Rinehart, Mark W. [<mailto:RinehartMW@DOJ.STATE.WI.US>]  
**Sent:** Tuesday, April 02, 2013 9:15 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Draft review: LRB -1474/P1 Topic: Law EnforcementStandards Board Changes

Hello Peggy,

Just the following minor tweaks:

- 1) Page 12, line 11 – change “probation employment” to “probationary employment”
- 2) Page 14, line 4 – same change as #1
- 3) Page 15, line 19 – change “office’s” to “officer’s”

Thank you.

---

**From:** LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]  
**Sent:** Thursday, March 07, 2013 2:42 PM  
**To:** Rinehart, Mark W.  
**Subject:** Draft review: LRB -1474/P1 Topic: Law EnforcementStandards Board Changes

Following is the PDF version of draft LRB -1474/P1.